

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

**IN ADMIRALTY**

CENTENNIAL BANK,  
An Arkansas Corporation,

Plaintiff,

Case No. \_\_\_\_\_

v.

M/V ALLIE CAT, her engines, machinery, tackle,  
apparel, boats, furniture, equipment, rigging,  
freights, and all other necessary appurtenances, etc.,  
*in rem*,

Defendant.

\_\_\_\_\_ /

**VERIFIED COMPLAINT IN REM  
FOR FORECLOSURE OF PREFERRED SHIP MORTGAGE**

COMES NOW the Plaintiff, CENTENNIAL BANK, by and through the undersigned counsel and files this, its Verified Complaint and Request for Supplemental Rule C Attachment and Arrest against the M/Y “ALLIE CAT” along with her engines, machinery, tackle, apparel, boats, furniture, equipment, rigging, freights, and all other necessary appurtenances, etc., *in rem* and alleges as follows:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and is within this Court’s admiralty jurisdiction pursuant to 28 U.S.C. § 1333 and the Ship Mortgage Act, 46 U.S.C. §§ 30101, 31301 to 31343 and an *in rem* proceeding to foreclose maritime lien.

2. The Plaintiff, CENTENNIAL BANK (the “Bank”) is a foreign banking

corporation incorporated under the laws of the State of Arkansas with its principle place of business in Conway, Arkansas, registered to do business in Florida with offices in Broward County, Florida, who has provided funds to the Vessel and is the holder of a Ship's Mortgage upon the Vessel.

3. Venue is proper within the Southern District of Florida pursuant to the provisions of 28 U.S.C. § 1391, and under the General Maritime Law of the United States, as the Plaintiff Bank is doing business within the District and the Defendant, M/Y "ALLIE CAT" (herein after "Vessel") will be coming to this District and the waters of the State of Florida and Fort Lauderdale, Broward County.

4. The Defendant, M/Y "ALLIE CAT", Official Number 1273739, Hull Number ZA-RACA9071G617, is a 2016 51-foot Robertson Caine vessel (the "Vessel"). The Vessel is currently moored at The Moorings, Wickhams Cay II, Road Town, Tortola, British Virgin Islands, and will be brought to the United States and the waters of this District.

5. Aerin RVA, LLC, an inactive Virginia limited liability company, is the Vessel's record owner. Aerin RVA, LLC's principal office is located at 3232 Grove Avenue, Richmond, Virginia 23221.

6. Robert E. Hicks, holding 50% of the membership interests of Aerin RVA, LLC, has a last known address at 1001 E. Byrd Street, # 6310, Richmond, Virginia 23219.

7. Robert E. Hicks is indebted to the Bank, as successor to Union Bank & Trust, as successor by merger to Xenith Bank, under a Promissory Note dated September 19, 2016 in the original principal amount of \$672,000.00, modified by a Change in Terms Agreement dated August 30, 2019, a Change in Terms Agreement dated November 30, 2019, a Change in Terms Agreement dated December 30, 2019, a Disaster Recovery Loan Payment Deferment Addendum

dated May 12, 2020, and a Loan Workout Modification Agreement dated December 15, 2020 (collectively, the “Note”). A copy of the Note is attached as Exhibit No. 1.

8. Payment of the Note is secured by a First Preferred Ship Mortgage by Aerin RVA, LLC in favor of the Bank, as successor by merger to Xenith Bank, dated September 19, 2016, recorded in the United States Coast Guard Vessel Documentation Center records on October 12, 2016 (No. 39575300), encumbering M/V ALLIE CAT, her engines, machinery, tackle, apparel, furniture, equipment, rigging, freights, and all other necessary appurtenances thereto (the “Mortgage”). A copy of the Mortgage is attached as Exhibit No. 2.

9. The Note is in payment default. By letter dated August 19, 2021, the Bank demanded that Robert E. Hicks and Aerin RVA, LLC pay all amounts due under the Note by no later than August 30, 2021. Robert E. Hicks and Aerin RVA, LLC failed to pay all amounts due under the Note by August 30, 2021.

10. By letter dated March 9, 2022, the Bank accelerated the debt under the Note and the Mortgage and gave notice of the Bank’s intent to repossess the Vessel.

11. The Bank has not waived the preferred status of the Mortgage.

12. Once the Vessel is moved to this district from the British Virgin Islands, the Vessel will be within this district while the action is pending.

13. The Bank is a preferred lienholder of the Vessel pursuant to the Ship Mortgage Act, Chapter 13 of Title 46 of the United States Code and is entitled to foreclose its maritime lien against the Vessel upon Robert E. Hicks’ failure to pay under the terms of the Note.

14. The Mortgage is in default by reason of the default under the Note.



15. As of April 26, 2022, principal of \$574,732.86, interest of \$56,377.95, late charges of \$1,500.00 and legal fees and expenses, were due under the Note. Interest accrues at the default rate of 18% per annum.

16. Plaintiff alleges that the Vessel is liable, in rem, for all debts still owed on the Ship's Mortgage, as the Vessel is now in default.

17. Specifically, the Vessel has now defaulted on the Ship's Mortgage and has not made all the necessary payments since this default.

18. Pursuant to the Commercial Instruments and Maritime Liens Act, 46 U.S.C. § 31301 et seq., Plaintiff has a maritime lien against the Vessel, its engines, machinery, boats, anchors, tackle, gear, furnishings, and all necessities thereto appertaining, for the default of the Ship's Mortgage.

19. All conditions justifying the issuance of a maritime writ of attachment exist in this instance and Plaintiff is entitled to recover the full amount of their claims, plus interest, fees and costs from the Vessel in rem.

20. The Bank seeks to enforce its preferred ship mortgage through issuance of an arrest warrant for the Vessel and all necessary *in rem* procedures and proceedings thereafter.

21. Plaintiff demands the sum in excess of \$574,732.86, interest of \$56,377.95, late charges of \$1,500.00 and legal fees and expenses, are due and continuing to accrue plus all interest, fees and costs as payment under the Ship's Mortgage on the Vessel.

WHEREFORE, Plaintiff, CENTENNIAL BANK, requests this Court for the following:

a) That process be issued against the M/Y "ALLIE CAT" her boats, engines, boilers, tackle, equipment, apparel, furnishings, freights, and appurtenances, etc, *in rem*.

b) That all persons have any claim and interest therein may be cited to appear an answer before said matter see that the Plaintiff be decreed to have a lien upon the *in rem* Defendant M/Y "ALLIE CAT", described herein and such lien be foreclosed in accordance with

the law and therefore that the vessel be condemned and sold to pay the amount due and all such other sums as owed;

c) That the Plaintiff be permitted to bid the amount of their lien collectively at the sale of said vessel at a U.S. Marshal's sale. That upon notice of hearing, judgment be entered against the *in rem* Defendant, together with prejudgment interest and costs and such other and further relief as this Court may deem just and proper.

d) Plaintiff demands judgment against the Defendant, and for compensatory damages, court costs, attorney's fees, interest and for any and all other relief that this Court deems just and proper.

Dated, May 13, 2022

Respectfully submitted,

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By: /s/ Michael R. Karcher  
MICHAEL R. KARCHER  
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**VERIFICATION**

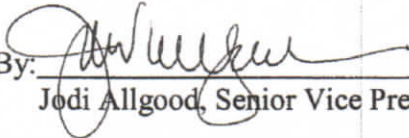
I, Jodi Allgood, am a Senior Vice President of Centennial Bank, successor to Union Bank & Trust, successor by merger to Xenith Bank, the Plaintiff in this action, and am authorized to verify this Verified Complaint in Rem for Foreclosure of Preferred Ship Mortgage (the "Verified Complaint") on behalf of the Plaintiff.

I have read the Verified Complaint and I verify under solemn affirmation that the facts alleged in the foregoing Verified Complaint are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 10, 2022

CENTENNIAL BANK

By:   
Jodi Allgood, Senior Vice President